



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18275 of 2021

Esakkiammal

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Divisional Engineer, (Construction and Maintenance),
Highways Department,
Palayamkottai, Tirunelveli District.

3.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department, Palayamkottai,
Tirunelveli District.

...Respondents

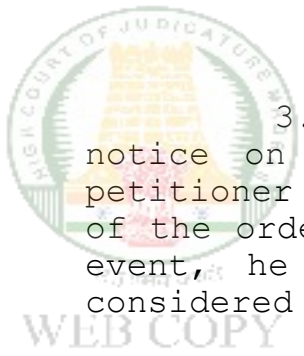
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents to renew the license of the petitioner for running a petty shop on the basis of the petitioner's representation dated 28.07.2021.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks consideration of her representation dated 28.07.2021 to renew the licence pertaining to the shop set up by her.

2. The petitioner states that she is physically disabled and that she had applied for and obtained a licence to run a small shop. Her application for renewal was not considered in view of objections by the District Traffic Committee. In such circumstances, she filed W.P.(MD).No.4100 of 2014. The said Writ Petition was disposed of by directing the petitioner to approach the District Traffic Committee and obtain an approval before approaching the respondents. It appears that the petitioner did not apply to the District Traffic Committee within thirty (30) days as directed by the order dated 19.11.2018. Instead, the petitioner once again filed W.P.(MD).No.5502 of 2020. The said Writ Petition was disposed of by order dated 18.03.2020 by which the respondents were directed to consider and dispose of the representation dated 01.03.2020. The present Writ Petition is filed after submitting a further representation dated 28.07.2021.



3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner did not approach the District Traffic Committee in terms of the order dated 19.11.2018 in W.P.(MD).No.4100 of 2014. In any event, he states that the petitioner's representation would be considered and disposed of.

4. From the documents on record, it appears that the petitioner did not apply to the District Traffic Committee pursuant to the order dated 19.11.2018 in W.P.(MD).No.4100 of 2014. However, pursuant to the order dated 18.03.2020 in W.P.(MD).No.5502 of 2020, the second respondent was directed to consider the petitioner's application for renewal and pass a reasoned order. It does not appear that an order was passed pursuant to the order dated 18.03.2020.

5. Accordingly, the second respondent is directed to consider the petitioner's representation dated 28.07.2021 and pass a reasoned order thereon within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is also permitted to submit an application to the District Traffic Committee, if required, within a period of thirty (30) days from the date of receipt of a copy of this order. If a decision is taken by the District Traffic Committee, such decision may also be taken into account by the second respondent while passing orders.

6. W.P.(MD).No.18275 of 2021 stands disposed of without any order as to costs.

Sd/-

Assistant Registrar (Crl. Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

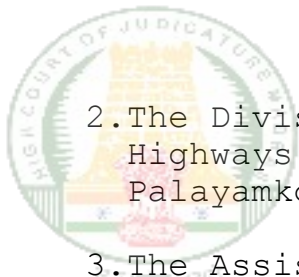
tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Divisional Engineer, (Construction and Maintenance),
Highways Department,
Palayamkottai, Tirunelveli District.

3.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department, Palayamkottai,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-31935[F] dated 11/10/2021)

W.P (MD) No.18275 of 2021
08.10.2021

ES (CO)
GC (25.10.2021) 3P 5C